

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER GRANTING OAKLAND'S
MOTION IN LIMINE NO. 1**

Re: Dkt. No. 196

Oakland's motion in limine to exclude evidence and preclude argument at trial regarding the allegedly predetermined outcome of the vote on the proposed ordinance is granted. The fact that some city councilmembers apparently expressed advance support for the ordinance does not mean the City violated the contractual requirement for a "public hearing." Even if the outcome of the vote was "preordained" as OBOT alleges, legislatures commonly hold public hearings on votes despite the outcome being a foregone conclusion; this does not turn the hearing into something other than a "public hearing." And there is no reason to ascribe some different, specialized meaning to the words "public hearing" as used in the Development Agreement. The City held a public hearing on the proposed ordinance, and (in this respect at least) complied with Section 3.4.2 of the Development Agreement.

IT IS SO ORDERED.

Dated: January 9, 2018



VINCE CHHABRIA
United States District Judge